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PPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,220	09/17/2003	Matthew Hall	160-03	3352
27569	7590 03/23/2005		EXAMINER	
PAUL AND PAUL			ESTREMSKY, GARY WAYNE	
2900 TWO THOUSAND MARKET STREET PHILADELPHIA, PA 19103			ART UNIT	PAPER NUMBER
	·····,		3676	

DATE MAILED: 03/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary Differ D		Application No.	Applicant(s)				
## Examiner Art Unit Sary Esternsky 3676 ## The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION ## Street Street (a) MONTHS from the mailing date of lies communication. If the period reply specific above is loss has hardly object. A proper with the delineary mariement of this proper will be considered timely. If the period reply specific above is loss has hardly object, a reply within the standard mariement of the proper will be considered timely. If the period reply visition the set of extended genote for reply will, by statute, cause the application to become ABANCHED (34 U.S.C. § 133). Communication. Fabre to enjoy within the standard proper will be standard to the more and part of the proper will be considered timely. Any reply received by the filt dies than these more after the mailing date of this communication. Fabre to the proper will be considered timely. Any reply received by the filt dies than these more after the mailing date of this communication. Proper will be considered timely. Any reply received by the filt dies than the short after the mailing date of this communication. Proper will be considered timely. Any reply received by the filt date than the short after the mailing date of this communication. Proper will be considered timely. Any reply received by the filt date of the communication. Proper will be considered timely. Any reply received by the filt date of the proper will be considered timely. Prope							
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1) Responsive to communication(s) filed on	THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any						
2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-15 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) 1-7 and 9-14 is/are rejected. 7) Claim(s) 8 and 15 is/are objected to. 8) Claim(s) 1-7 and 9-14 is/are rejected. 7) Claim(s) 8 and 15 is/are objected to. 8) Claim(s) 1-7 and 9-14 is/are rejected. 7) The crawing(s) filed on 17 September 2003 is/are: a) accepted or b) objected to by the Examiner. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on 17 September 2003 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in Application No. 3. Paper No(s)/Mail Date. 5) Notice of Informal Patent Application (PTO-152) Paper No(s)/Mail Date. 5) Notice of References Cited (PTO-832) 7) Notice of Orafaspeson's Patent Drawing Review (PTO-948) 7) Notice of Orafaspeson's Patent Drawing Review (PTO-948) 7) Notice	Status						
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Art Unit: 3676

DETAILED ACTION

Claim Rejections - 35 USC § 112

- The following is a quotation of the second paragraph of 35 U.S.C. 112:
 The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
- 2. Claims 2-7, 9, 11, and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not clear if recitation of "a biasing device" refers to the previously-recited "biasing device" or not. Similar consideration applies to claim 9 and 11

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, 5, 7, and 9-14 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 1,580,666 to Hansen.

Hansen '666 teaches Applicant's claim limitations including: a "housing" – 1, a "main pawl" - 12, a "handle" – 13, a "biasing device" – 17, a "secondary pawl" – 12a, a "detent device" – including 15,16,17.

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As regards claim 2, part 15 reads on "tower", part 15a on "plunger", and 17 on "biasing device".

As regards claim 7, claimed geometry of the "end of the secondary pawl" does not define over the connection point of the reference which is attached to the opposite or non-latching end of the pawl.

As regards claim 10, see Fig 4 and MPEP 2114. The law of anticipation requires that a distinction be made between the invention described or taught and the invention claimed. It does not require that the reference "teach" what the subject patent teaches. Assuming that a reference is properly "prior art," it is only necessary that the claims under consideration "read on" something disclosed in the reference, i.e., all limitations of the claim are found in the reference, or "fully met" by it. *Kalman v. Kimberly-Clark Corp.*, 218 USPQ 789.

Allowable Subject Matter

- 2. Claims 8 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
- 3. Claims 3 and 6 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

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Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 3,936,084 to Orr.

U.S. Pat. No. 4,330,145 to Bisbing.

U.S. Pat. No. 5,149,152 to Lanius.

U.S. Pat. No. 6,631,931 to Magnusson.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Estremsky whose telephone number is 703 308-0494. The examiner can normally be reached on M-Thur 7:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Will can be reached on 703 308-3870. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Gary Estremsky ` Primary Examiner Art Unit 3676